

**STATEMENT OF SUBSTANCE OF INTERVIEW
UNDER 37 C.F.R § 1.133**

Applicants submit this Statement of Substance of Interview in accordance with 37 C.F.R § 1.133 to be made of record for the above-identified application for patent. Applicants respectfully request entry of the statement as set forth herein.

Applicants thank the Examiner for speaking with Applicants' representative on the date of May 22, 2008, regarding the above-identified application for patent.

In the telephone interview held on May 22, 2008, the substance an Advisory Action mailed April 16, 2008, was discussed between the Examiner and Applicants' representative. In the Advisory Action, the Examiner appeared to be taking the position that filtered water extracted from a cement slurry is equivalent to water from a fiber slurry. As such, the Examiner held that a reference referred to herein as Yamada anticipates or in the alternative makes obvious Applicants' claims. Applicants respectfully disagreed and pointed out in the telephone interview that Yamada did not explicitly or otherwise disclose that impurities (collectively referred to herein as COD) had been or would be extracted from the pulp used to prepare the cement slurry taught by Yamada. Moreover, it was respectfully pointed out that nowhere in the Yamada reference was there a suggestion or teaching (explicitly or otherwise) that the cement slurry of Yamada was made with pulp that had a low COD content. Applicants also respectfully pointed out that for these reasons Yamada could not be used as a teaching for extracting impurities from pulp because one cannot read more into a reference than what it explicitly or implicitly taught. Applicants pointed out that Yamada merely taught mixing for 5 minutes pulp and cement with water to form a cement slurry and specifically taught that such a cement slurry could be dewatered to make an inorganic plate. The Examiner held that the water extracted from the cement slurry by a dewatering method (which was reported by Yamada to have a low COD value) showed that the pulp itself had a very low COD content. Applicants respectfully disagreed and pointed out that such an assumption cannot be made because, as one of ordinary skill knows, pulp will have COD trapped inside, which is the very reason why any extracted

water of Yamada will be reported to have a very low COD value when measured from a cement slurry (because all the COD will remain trapped in the pulp). The Examiner did not appear to understand this and maintained the finality of the Office Action. Applicants provide this paper in response to the Examiner's misunderstanding in order to show the Examiner that Yamada cannot be used for a showing of anticipation and/or obviousness.

This is intended to be a written statement as to the substance of a telephonic interview held May 22, 2008, and to be made of record in the application for patent.

Remarks

Claims 25-38 and 40-48 are pending in this Application. Claims 1-24, 39 and 49-67 have been previously canceled without prejudice. In the Office Action made final and mailed on the date of January 29, 2008 and in the Advisory Action mailed April 16, 2008, the Examiner reiterated a previous rejection against Claims 25-38 and 40-48 under 35 U.S.C. § 102(b) as being anticipated by or, in the alterative, under 35 U.S.C. § 103(a), as being unpatentable over JP 11-010631 (herein “Yamada” and referred to in previous Amendments submitted by Applicants as “Matsushita”).

Applicants with this paper respectfully reiterate that the Examiner has misunderstood the teaching of Yamada and respectfully requests reconsideration of Applicants’ previous remarks as well as those submitted herewith. Applicants begin by pointing out some of the teachings of Applicants’ own Application in which it is disclosed that pulp processed by alternative methods known to one of ordinary skill in the art will produce pulp that has harmful compounds and impurities (collectively called COD) trapped inside the pores and cavities of the pulp fibers. Pulp manufacturers have, as a result, developed (though unsuccessfully) a series of cleaning steps to address the problem of COD and impurities trapped in pulp (e.g., see paragraphs [0004] and [0006] of the as-filed Application). Unfortunately, such cleaning steps remain unsuccessful at removing trapped COD and, thus, pulp processed by others (using such alternative processing methods) do not successfully remove trapped COD. Accordingly, Applicants disclose in the as-filed Application methods and products in which fibers have only a very low COD content. Applicants point out that Yamada does not teach such a method or products with only a very low COD content. Instead, Yamada teaches a cement slurry prepared by a 5 minute mixing of cement, regular pulp and water after which water is extracted from the cement slurry in order to make inorganic plates. Contrary to the Examiner’s position, water extracted from a cement slurry does not let one of ordinary skill know whether the pulp itself has a low COD content, regardless of what COD measurement is obtained from the extracted water. This is because regular pulp will have COD trapped in the fibers and the trapped COD will not be released from the pulp after only a 5 minute mixing of the pulp with water and cement. Applicants show this to

be the case and refer the Examiner to an executed Declaration submitted under 37 C.F.R. 1.132 to traverse the rejection, which is provided with this paper. Referring to TABLE 1, it is shown that pulp having a COD content greater than 4.5 kg/ton will, when dewatered (which is after mixing into a cement slurry as taught by Yamada), have a falsely low COD reading (see Column 3). The low COD reading is because COD remains trapped in the fibers because the method of Yamada teaching nothing about how to extract COD from pulp. In addition, it is pointed out that such measurements as taught by Yamada (that is, measurements of extracted water from a cement slurry of cement, pulp and water) are very unpredictable and cannot be relied on to provide consistent measurements of COD content, as evidenced by the high COV values (see Column 4, TABLE 1). On the other hand, Applicants point out in TABLE 2 of the attached Declaration under 37 C.F.R. 1.132 that COD measurements from a fiber slurry, as taught by Applicants claimed invention, are consistent, as evidenced by the very low COV value (see Sample A). Fibers having a high COD content (Sample X and Sample Y, TABLE 2) when prepared in a fiber slurry also give consistent COD values, although higher than those prepared as claimed by Applicants. This is evidenced by the low COV values for Sample X and Sample Y (TABLE 2). Furthermore, Applicants reiterate that one skilled in the relevant art knows that a COD value obtained from a cement slurry cannot be extrapolated to or be compared with a COD value obtained from a fiber slurry that has been pretreated to remove COD. This is because one of ordinary skill in the art understands that there is no known correlation between COD content in *filtrated water* obtained from a cement slurry and actual COD content in the fibers themselves. The Examiner is requested to provide specific evidence to the contrary, if any exists. A mere statement that "COD is a measure of the chemical oxygen demand of discharge water that includes the fibers in the solution" as stated by the Examiner in the Advisory Action mailed April 16, 2008, does not mean that the fibers in the cement slurry of Yamada have a COD content of less 4.5 kg/ton. Yamada certainly does not teach explicitly or otherwise that its pulp has a COD content of less than 4.5 kg/ton. As such, no such assumption can be made unless there is evidence to support such an assumption, which there is not. And, as discussed previously, unless fibers are pre-treated to remove COD, which is neither suggested or taught by Yamada, fibers, such as those used by Yamada, will include trapped COD. Accordingly, and

because Yamada teaches nothing about reducing COD in fibers, Yamada does not anticipate or make Applicants' claimed invention unpatentable. There is no suggestion of any kind that can be relied on by Yamada for a showing of obviousness. One of ordinary skill in the art could not look to Yamada and arrive at Applicants' claimed invention. Yamada provides no expectation for success as to Applicants' claimed invention because it teaches something completely different, which is simply how to make a cement slurry, dewater it and make inorganic plates. Thus, Applicants have shown that Yamada does not anticipate and is not obvious over their claimed invention. Applicants respectfully request the Examiner remove the rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a).

Conclusion

Applicants respectfully submit that the Application is in condition for allowance, and pursuant to the filing of this paper and the accompanying documents, Applicants earnestly seek such allowance of Claims 25-38 and 40-48 as provided in the Listing of Claims beginning on page 3 of this paper.

Should the Examiner have questions, comments, or suggestions in furtherance of the prosecution of this Application, please contact Applicants' representative at 214.999.4330. Applicants, through their representative, stand ready to conduct a telephone interview with the Examiner to review this Application if the Examiner believes that such an interview would assist in the advancement of this Application.

This paper is submitted concurrently with a Request for Continued Examination and a Petition for Extension of Time with the appropriate fees. To the extent that any further fees are required with this filing, the Commissioner is hereby authorized to charge payment of any additional fees to Deposit Account No. 07-0153 of Gardere Wynne Sewell LLP and to reference Attorney Docket No. 129843-1022. In the event that any additional time is needed for this filing, or any additional time in excess of that requested in a petition for an extension of time, please consider this a petition for an extension of time for any needed extension of time pursuant to 37 C.F.R. § 1.136 or any other section or provision of Title 37. Applicants respectfully request that the Commissioner grant any such petition and authorize the Commissioner to charge the Deposit Account referenced above. Please credit any overpayments to this same Deposit Account.

This is intended to be a complete response to an Office Action made final and mailed on January 29, 2008, as well as an Advisory Action mailed April 16, 2008.

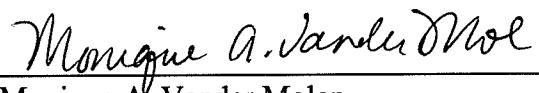
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AMENDMENT AND RCE
Application No. 09/970,389

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**Please direct all correspondence to the practitioner listed below at Customer No.
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Respectfully submitted,



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